

09/9/14, 753

IV. REMARKS

1. The specification is amended to change the reference "901" to "908" as noted by the Examiner.

2. Claim 29 is amended to overcome the 35 U.S.C. § 101 rejection. Claim 39 is amended to correct the antecedent basis error.

3. Claims 29-35, 39, 41-45, 47-49; 51, 55 and 67-71 are not anticipated by Liechti under 35 U.S.C. § 102 (b).

Claim 29 is amended to recite that the memory only includes records related to postal resources consumed (an ascending register) and does not include any records related to any stored value for postal resources to be consumed (i.e. no descending register), similar to the features presented in claims 1 and 20. As noted by the Examiner, Liechti does not teach that there is no descending register. Thus, claim 29 is not anticipated. Claims 30-36 and 67-72 should also be allowable.

Claim 39 is not anticipated by Liechti. Claim 39 recites that the devices do not store funds to account for consumption of resources as they are consumed. In other words, the devices do not maintain or track value that is available to be consumed or dispensed. (i.e. the devices do not have a "descending" register.) Liechti clearly teaches the storing of value that can be consumed. Applicant's invention as recited in claim 39 does not store such value and explicitly omits such storage. In other words, in Applicant's invention, there is no descending register. Thus, claim 39 is not anticipated. Claims 40-48 are also not anticipated at least by reason of their dependencies.

Claim 49 recites that the first device and the second device do not store funds to account for consumption of resources. Liechti clearly teaches storing funds that can be consumed. (i.e. a "descending" register). Claim 49 explicitly excludes any such functionality. Thus, claim 49, and claims 50-55 at least by reason of their dependencies, should be allowable.

4. Claims 1, 20, 22, 26-28 and 56-66 are not unpatentable over Liechti in view of Herring under 35 U.S.C. §103 (a).

Applicant's invention according to claim 1 recites that the apparatus includes an ascending register, and does not include a "descending" register. An "ascending register" is used to track an amount of postage dispensed. The "descending register" is used to track an amount of postage that is available to be dispensed. In other words, the descending register stores "value" or "credit" against which postage may be applied or withdrawn, i.e. dispensed. Both Liechti and Herring only dispense postage if there is at least that amount of value stored in the device. In other words, there must be at least that amount of value in a "descending" register in order for the device to dispense the requested amount of postage. Applicant's invention explicitly excludes such a storage or credit facility.

Both Liechti and Herring require a credit storage facility which stores value that can be dispensed. The Examiner states that Herring does not include a "descending register". This is not true. While Herring may not use the term "descending" register, Herring does include an "accumulated total value of credit stored in the ascending credit register". (abstract line 8-9; Col.2, lines, 26-27). This is the equivalent to and provides the same functionality as a "descending" register, as that term is commonly known and is described in Applicant's specification.

Herring has merely relocated the "descending" register into the ascending register and uses a different term to define the descending register.

In Herring, the memory includes:

"an ascending credit register to store an accumulated value of credit" (i.e. a descending register); and

"an ascending tote register to store an accumulated total value of postage charge dispensed by the postage meter" (i.e. an ascending register).

See e.g.: Abstract lines 1-5; Col. 1, lines 27-31; Col. 1, lines 45-49; Col. 2, lines 26-29; and Col.2, lines 32-35.

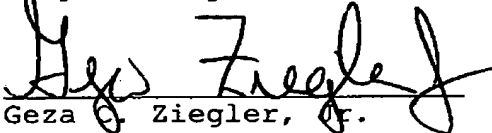
An accumulated value of credit stored is commonly known as the "descending register", since that value goes down as the postage is dispensed. The accumulated total value of postage charges dispensed is commonly known as the "ascending register". Thus, quite clearly, Herring merely uses different terminology to describe what is otherwise known as the ascending and descending register. Thus, Herring clearly teaches the use of **both** an **ascending register** and a **descending register** in its system, and therefore Herring cannot disclose or suggest Applicant's invention either alone or in combination with Liechti.

Unlike both Liechti and Herring, Applicant's invention does not include a credit facility or memory in which a certain amount of postage value is stored and which is reduced each time postage is used or dispensed. Thus, claims 1, 20, 21-28 and 56-66 are not disclosed or suggested and should be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza Ziegler, Jr.
Reg. No. 44,004

14 Feb 2005
Date

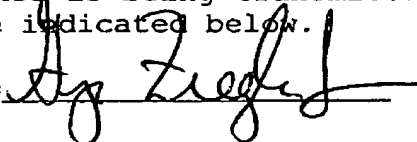
Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 on the date indicated below.

Date: 2/14/2005

Signature



Feb 14 05 10:12p

RECEIVED
CENTRAL FAX CENTER

p. 1

FEB 14 2005
FEB 14 2005

Facsimile Message From
Law Offices
PERMAN & GREEN, LLP
425 Post Road
Fairfield, Connecticut 06430 USA
Facsimile Number: (203) 255-5170
Telephone Number: (203) 259-1800

TO: USPTO

FAX NO: 703 872-9306

DATE: Feb 14, 2005

FROM: Perman + Green, LLP
G. ZIEGLER

P&G Reference: 770P009588 USPT

RE:

09/914,753

Number of Pages, including this sheet, being transmitted:

19 2

~~Please see attached AFTER Trans~~
~~Response.~~

PAGE 15 of Response

> Please confirm receipt of this transmission

☐ The original of this facsimile will be sent to you via mail

THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE
AND MAY CONTAIN CONFIDENTIAL OR LEGALLY PRIVILEGED INFORMATION

If you are not the intended recipient you are hereby notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify us immediately so that we can arrange for the return of the documents to us at no cost to you.